1 PETER A. BRANDT (CSB 241287) The Humane Society of the United States 2 1255 23rd Street, NW, Suite 450 Washington, D.C. 20037 3 T: (202) 676-2354 / F: (202) 676-2357 Emails: pbrandt@humanesociety.org 4 IT IS SO ORDERED 5 PAIGE M. TOMASELLI (CSB 237737) Center for Food Safety 6 Judge Yvonne Gonzalez Rogers 303 Sacramento Street, 2nd Floor San Francisco, CA 94111 7 T: (415) 826-2770 / F: (415) 826-0507 Email: ptomaselli@centerforfoodsafety.org 8 2/1/2018 9 Counsel for Plaintiffs 10 [Complete list of counsel on signature page] 11 12 THE UNITED STATES DISTRICT COURT 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA 14 CENTER FOR FOOD SAFETY, et al., Consolidated Case Nos. 15 4:14-cv-4932-YGR and 4:14-cv-4933-YGR Plaintiffs, 16 and STIPULATION OF VOLUNTARY 17 DISMISSAL THE HUMANE SOCIETY OF THE 18 UNITED STATES, et al., 19 Plaintiffs, Hon. Yvonne Gonzalez Rogers 20 v. 21 MARGARET A. HAMBURG, COMMISSIONER, UNITED STATES 22 FOOD AND DRUG ADMINISTRATION et al., 23 Defendants, 24 and 25 ELANCO ANIMAL HEALTH, 26 Intervenor-Defendant. 27 28

STIPULATION OF VOLUNTARY DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties hereby agree to a voluntary dismissal with prejudice of the above-captioned matter. The parties have agreed to dismiss the above-captioned action as follows:

- 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(B), execution of this stipulation by counsel for Plaintiffs Center for Food Safety, Center for Biological Diversity, Sierra Club, The Humane Society of the United States, Animal Legal Defense Fund, and the United Farm Workers of America ("Plaintiffs"), by counsel for Defendant Food and Drug Administration ("FDA" or "Defendant"), and by counsel for Intervenor-Defendant Elanco Animal Health ("Intervenor") shall constitute a dismissal of this action with prejudice. This stipulation of voluntary dismissal is signed by all parties who have appeared.
- 2. Each party will bear its own costs and attorneys' fees in this case. Plaintiffs waive all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412; 5 U.S.C. § 504; 47 C.F.R. Part 1, Subpart K; and any other rights to attorneys' fees or costs that may arise under any provision of law, including but not limited to the above-cited provisions, relating to the investigation and litigation of this matter. Similarly, Defendants and Intervenor waive any claims or rights they may otherwise have to attorneys' fees or costs relating to the investigation and litigation of this matter.
- 3. Undersigned counsel are fully authorized to enter into this stipulation on behalf of their respective clients.

Respectfully submitted this 1st day of February 2018.

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PETER A. BRANDT (CSB 241287)
The Humane Society of the United States 1255 23rd Street, NW, Suite 450
Washington, D.C. 20037
T: (202) 676-2354 / F: (202) 676-2357

Email: pbrandt@humanesociety.org

1	PAIGE M. TOMASELLI (CSB 237737)
2	Center for Food Safety Sierra Club
3	303 Sacramento Street, 2nd Floor
	San Francisco, CA 94111 T: (415) 826-2770 / F: (415) 826-0507
4	Email: ptomaselli@centerforfoodsafety.org
5	Zinami promasem e comerrorio asarcty iorg
6	HANNAH M.M. CONNOR pro hac vice
6	The Center for Biological Diversity
7	1411 K Street NW, Suite 1300
8	Washington, DC 20005 T: (202) 681-1676
0	Email: hconnor@biologicaldiversity.org
9	
10	CRISTINA R. STELLA
10	Animal Legal Defense Fund
11	525 E. Cotati Ave.
12	Cotati, CA 94931 T: (707) 795-2533 ext. 1055
14	Email: cstella@aldf.org
13	
14	MARIO MARTINEZ
14	Martinez, Aguilasocho & Lynch, APLC
15	P.O. Box 11208
16	Bakersfield, CA 93389 T: (661) 859-1174
10	Email: mmartinez@farmworkerlaw.com
17	
18	Counsel for Plaintiffs
	STACEY M. BOSSHARDT
19	U.S. Department of Justice
20	Environment & Natural Resources Division
21	P.O. Box 7611
21	Washington, D.C. 20044
22	T: (202) 514-2912
22	Email: stacey.bosshardt@usdoj.gov
23	Counsel for Federal Defendant
24	
25	EMILY JOHNSON HENN
25	Covington & Burling LLP
26	333 Twin Dolphin Drive, Suite 700
27	Redwood Shores, CA 94065-1418 T: 650-632-4700
27	Email: ehenn@cov.com
28	
	Counsel for Intervenor-Defendant
	C N A A A A A A A A A A A A A A A A A A